

Remarks

Claims 1-19 remain in the application with Claims 1 and 14 being in independent form. Claim 20 was previously canceled. No amendments or additions are currently being made to the claims.

Claims 1 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 6,082,443). Claims 2-8 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 14-19 are allowed.

Applicant continues to disagree with the anticipation rejection and believes that independent Claim 1 as originally filed is allowable. In particular, Applicant believes that the Examiner continues to misinterpret the cooling assembly disclosed in the Yamamoto et al. patent.

The subject invention, as claimed in independent claim 1, requires a base plate and a condenser plate disposed above the base plate. The base and condenser plates are interconnected by an outer wall to define a sealed chamber. A working fluid is disposed within the chamber. The working fluid has a liquid phase and a vapor phase such that the liquid phase is disposed over the base plate and the vapor phase is disposed between the liquid phase and the condenser plate. At least one partition wall is mounted to the condenser plate and angles downwardly toward the base plate. The partition wall therefore directs working fluid on the condenser plate toward a predefined portion of the base plate.

The Examiner refers to the embodiment of Figures 31(a) and 31(b) in Yamamoto et al. to provide the requisite anticipation for rejecting independent Claim 1. The Examiner states that the wicks 201 are analogous to a partition wall mounted to a condenser plate and that these wicks 201 partially divide a chamber and angle downwardly toward a base plate.

In order for the Examiner to sustain this anticipation rejection, the Examiner is assuming that the wicks 201 are *mounted* to the condenser plate, which is a required limitation of Claim 1. In fact, the *wicks 201 extend from the side walls 200, NOT the condenser plate 203*. Further, the Yamamoto reference teaches away from mounting the wicks 201 to the condenser plate 203, see column 2, line 51 through column 3, line 6. Applicant's previous discussion relating to the metal screen wick 205 was simply made to

illustrate the teaching away by Yamamoto of mounting the wicks 201 to the condenser plate 203. The wicks 201 are specifically required to be spaced from both the base plate 202 and condenser plate 203 such that the metal screen wick 205 can be disposed in that space. If the wicks 201 were mounted to the condenser plate 203, this improper reconfiguration would defeat the required operation of the second wicks 205. As the Examiner is aware, each and every feature of Claim 1 must be found in Yamamoto to sustain an anticipation rejection of Claim 1. Further, the Yamamoto reference cannot be modified in such a way to render the reference unsatisfactory for its intended purpose or change the principle of operation of the reference.

In summary, there is absolutely no disclosure, teaching or suggestion in Yamamoto et al. of mounting the wicks 201 to the condenser plate 203 as required by independent Claim 1. As such, the wicks 201 cannot direct working fluid on the condenser plate 203 toward a predefined portion of the base plate 202 as also required by independent Claim 1. Further, Yamamoto et al. teaches away from mounting the wicks 201 to the condenser plate 203. Yamamoto et al. requires that there be a second wick 205 disposed along the base plate 202 and condenser plate 203.

Once the Yamamoto et al. patent is properly interpreted, it is clear that the combination of limitations set forth in independent Claim 1 is unique and non-obvious in light of the prior art of record. As such, independent Claim 1 is believed allowable. Claims 2-13 are also believed allowable as these claims depend from unique features of independent Claim 1.

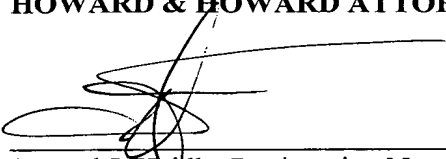
The remaining references cited but not applied to the claims have been considered. Since the Examiner has apparently considered these references as less pertinent than the above discussed references, further discussion of the non-applied references, at this time, is considered unnecessary. However, it is respectfully submitted that the claims in the subject patent application patentably define over all references of record either independently or in combination.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

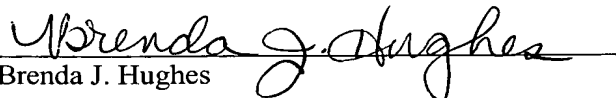
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CERTIFICATE OF MAILING

I hereby certify that the attached **Request for Reconsideration** and **return post card** are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on December 15, 2004.**



Brenda J. Hughes